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5	UNITED STAT	ES DISTRICT COURT
6	DISTRICT OF NEVADA	
7	WALTER J. RUIZ and MILLICENT Z.	2:09-CV-211 JCM (LRL)
8	RUIZ, individually and as husband and wife,	
9	Plaintiffs,	
10	Fiamuns,	
11	V.	
12	CITY OF MESQUITE, et al.,	
13	Defendants.	
14		
15		ORDER
16	Presently before the court is plaintiffs' Federal Rule of Civil Procedure 60(b) motion to set	
17	aside order filed September 24, 2010, and request for status check. (Doc. #43).	
18	Plaintiffs argue that their failure to serve defendants as required by Federal Rule of Civil	
19	Procedure 4(m) was due to excusable neglect, and urge the court to set aside the order dismissing	
20	defendants M.D. Clayton Fuller, D.O. Darrin F. Houston, M.D. Robert Foster, and Mesa View	
21	Regional Hospital (doc. #42). However, the court dismissed these defendants without prejudice, and	
22	the plaintiffs are at liberty to remedy their alleged "excusable neglect" without the requested relief	
23	from this court.	
24	Accordingly,	
25	IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion to set	
26	aside this court's September 24, 2010, (doc. #43) order is DENIED.	
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James C. Mahan U.S. District Judge		

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1	IT IS FURTHER ordered that a status check in this case is set for Wednesday, December 29,
2	2010, at 10:00 a.m. in Courtroom 6A.
3	DATED this 3rd day of December, 2010.
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5	UNITED STATES DISTRICT JUDGE
6	O TILL STATES DISTRICT VODGE
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James C. Mahan U.S. District Judge